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Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

FRANCES AVIDANO,)	CIVIL ACTION NO. 5:09-CV-03274-RMW
Plaintiff,)	
)	
v.)	STIPULATION AND PROPOSED ORDER
)	FOR THE AWARD OF ATTORNEY'S FEES
MICHAEL J. ASTRUE,)	PURSUANT TO THE EQUAL ACCESS TO
Commissioner of Social Security,)	JUSTICE ACT, 28 U.S.C. § 2412
Defendant.)	
)	

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the EAJA in the amount of THREE THOUSAND TWO HUNDRED dollars and 0 cents (\$3,200.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920 and 2412.

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees and expenses are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the government will determine whether they are subject to any offset.

Fees and expenses shall be made payable to Plaintiff, but if the Department of the

1 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause
2 the payment of fees and expenses to be made directly to Tom Weathered, pursuant to the
3 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

4 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
5 attorney fees and expenses, and does not constitute an admission of liability on the part of
6 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
7 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
8 EAJA attorney fees and expenses in connection with this action.

9 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
10 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

11 Respectfully submitted April 19, 2012.

12 Respectfully submitted,

13 Dated: April 19, 2012

14 /s/ Tom Weathered
(as authorized via e-mail)
TOM WEATHERED
Attorney for Plaintiff

15 MELINDA L. HAAG
16 United States Attorney

17 Dated: April 19, 2012

18 By s/ Daniel P. Talbert
DANIEL P. TALBERT
19 Special Assistant U.S. Attorney

20 Attorneys for Defendant

21 ORDER

22
23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24
25 DATED: April 30, 2012

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RONALD M. WHYTE
27 UNITED STATE DISTRICT JUDGE
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